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SUPREME COURT, U. S.

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IN THE

Supreme Court of the United States

October Term, 1967

No. 635

ROBERT VINCENT GARDNER,

Appellant,

v.

VINCENT L. BRODERICK as Police Commissioner of the City of New York, and THE CITY OF NEW YORK,

Appellees.

ON APPEAL FROM THE COURT OF APPEALS OF THE STATE OF NEW YORK

MOTION FOR PERMISSION TO FILE BRIEF AS *AMICUS CURIAE*

The Patrolmen's Benevolent Association of the City of New York, Inc. ("PBA") hereby moves for permission to file a brief as *amicus curiae* in this case.

The attorney for the appellant has consented to this *amicus* appearance. The attorney for the appellees has not responded to requests for his consent, necessitating this motion.

The PBA is a line organization of the New York City Police Department and is certified by the City of New York as the exclusive bargaining representative of the Department's 28,000 patrolmen. The PBA is interested in all matters affecting the welfare and the rights and interests of New York City patrolmen.

The appellant herein, Robert Vincent Gardner, is a former patrolman of the New York City Police Department who was discharged for refusing to waive his Fifth Amendment privilege before a Grand Jury. The PBA is interested in his case because it raises a question of major significance for New York City policemen: namely, whether waiver of the privilege against self-incrimination can be made a valid condition of continuance in office.

It is possible that the interest and point of view of the appellant may not altogether coincide with those of policemen generally. All policemen will be seriously effected by the decision in this case and it is appropriate that their views should be presented by an organization representative of their common interest.

For the foregoing reasons, it is requested that the PBA be permitted to file a brief as *amicus curiae*.

Respectfully submitted,

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1501 Broadway,
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March 13, 1968.